

DECISION

✓ P62
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-210409**DATE:** February 3, 1983**MATTER OF:** Marketing Forethought, Inc.**DIGEST:**

The determination of whether to award a contract under section 8(a) of the Small Business Act is a matter for the contracting agency and SBA. GAO will not review that determination absent a showing of fraud, willful misconduct, or violation of a specific regulation by Government officials.

Marketing Forethought, Inc. protests the Small Business Administration's (SBA's) award to another firm of a contract under section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (Supp. IV 1980), to meet the Equal Employment Opportunity Commission's (EEOC's) needs for preparation of camera-ready tables for certain EEOC publications. Because the contract may be awarded only to a socially and economically disadvantaged small business firm, the protester (which is a non-disadvantaged small business) was prevented from competing for work which it says it has been successfully performing under a prior contract. The protester advances no substantive support for its protest, but states that SBA has refused to furnish it a copy of an impact statement concerning the expected impact of SBA's action and subsequent loss of this contracting opportunity on the protester. We dismiss the protest.

The protest suggests that the protester believes SBA acted arbitrarily in apparently rejecting its contention that the impact on it of an award under § 8(a) justifies not making such an award. Section 8(a) authorizes the SBA to enter into contracts with any Government agency with procuring authority and to arrange the performance of such contracts by letting subcontracts to socially and economically disadvantaged small business concerns.

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We do not review protests against decisions to award contracts under § 8(a) unless the protester shows possible fraud or willful misconduct or alleges a violation of a specific regulation by Government officials. See Kings Point Manufacturing Company, Inc., 54 Comp. Gen. 913 (1975), 75-1 CPD 264; American Laundry, 58 Comp. Gen. 672 (1979), 79-2 CPD 49. This is because the contracting officer of the procuring agency is authorized in his discretion to let the contract to SBA and because it is vested with broad discretion in discharging its program responsibilities.

Here, the protester has not alleged fraud, willful misconduct, or violation of regulations. Accordingly, the protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel